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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/204,390	12/02/1998	DEBORAH EVERLING	P/2167-61	5465

7590 03/08/2004

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EXAMINER
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PWJ, JEFFREY C

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 03/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

*Supplemental*  
**Office Action Summary**

Application No.

09/204,390

Applicant(s)

EVERLING ET AL.

Examiner

Jeffrey C Pwu

Art Unit

2164

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/19/2001 Attny. interview.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☒ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

# **Interview Summary**

Application No.

09/204,390

Applicant(s)

EVERLING ET AL.

Examiner

Jeffrey C Pwu

Art Unit

2164

All participants (applicant, applicant's representative, PTO personnel):

(1) Jeffrey C Pwu.

(3) \_\_\_\_\_.

(2) Michael J Sheer (Attny.).

(4) \_\_\_\_\_.

Date of Interview: 19 April 2001.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: .

Claim(s) discussed: 1.

Identification of prior art discussed: Lawlor et al.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

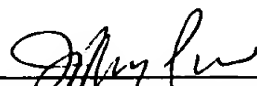
Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: 1. Examiner agreed that Lawlor does not teach the limitation on identifying a non-issuer account. 2. Attny. requested for a personal interview prior issuance of the first office action but was not acknowledged by the examiner. 3. the Examiner agreed to issue a new non-final office action.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

## Summary of Record of Interview Requirement

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

##### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check the appropriate box at the bottom of the Form which informs the applicant that the submission of a separate record of the substance of the interview as a supplement to the Form is not required.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by *Melchione* et al (U.S. Patent No. 5,930,764).

A method for processing transaction data comprising the steps of:

- receiving transaction data, the transaction data containing account numbers (abstract, figs. 1-8, col.1, lines 53-62, col.2, lines 20-37, col.7 lines, 23-59, col.14, lines 47-65);
- identifying non-issuer account numbers which represent accounts not issued by an issuer (col.20, lines 10-16, col.23, lines 1-17, col.35, lines 29-67);
- matching the identified non-issuer account numbers with account numbers representing (col.20, lines 10-16, col.23, lines 1-17, col.35, lines 29-67);
- account issued by the issuer (col.20, lines 10-16, col.23, lines 1-17, col.35, lines 29-67, col.38, lines 55-60);
- identifying a consumer associated with at least one of the identified non-issuer account numbers (col.20, lines 10-16, col.23, lines 1-17, col.35, lines 29-67, col.38, lines 55-60);

- determining if the identified consumer is a customer of the issuer, the customer having an issuer account number representing an issuer account issued by the issuer (col.20, lines 10-16, col.23, lines 1-17, col.35, lines 29-67, col.38, lines 55-60);
- linking the non-issuer account number of the customer with the issuer account number of the customer (col.44, lines 30-67);
- maintaining a database containing issuer account numbers representing issuer accounts of customers of an issuer, and containing customer non-issuer account numbers representing non-issuer accounts of the customers (abstract, claims 1-3, figs. 1-8, col.1, lines 53-62, col.2, lines 20-37, col.7 lines, 23-59, col.14, lines 47-65, col.20, lines 10-16, col.23, lines 1-17, col.35, lines 29-67, col.38, lines 55-60, col.44, lines 30-67);
- adding the matched non-issuer account numbers to the database as customer non-issuer account numbers (abstract, claims 1-3, figs. 1-8, col.1, lines 53-62, col.2, lines 20-37, col.7 lines, 23-59, col.14, lines 47-65, col.20, lines 10-16, col.23, lines 1-17, col.35, lines 29-67, col.38, lines 55-60, col.44, lines 30-67);
- updating the historical transaction data in the database by adding received transaction data, which contains matched non-issuer account numbers (abstract, claims 1-3, figs. 1-8, col.1, lines 53-62, col.2, lines 20-37, col.7 lines, 23-59, col.14, lines 47-65, col.20, lines 10-16, col.23, lines 1-17, col.35, lines 29-67, col.38, lines 55-60, col.44, lines 30-67);
- performing queries on the database (col.1, lines 53-62, col.2, lines 20-37, col.7 lines, 23-59, col.14, lines 47-65);
- determining the use of the non-issuer account by the customer in response to a result of the query, marketing services of the issuer to the customer in response to the determined use by the customer, eliminating transaction data account number issued by the issuer, and eliminating transaction data that contains data representing duplicate non-issuer account number (abstract, claims 1-3, figs. 1-8, col.1, lines 53-62, col.2, lines 20-37, col.7 lines, 23-59, col.14, lines 47-65,

col.20, lines 10-16, col.23, lines 1-17, col.35, lines 29-67, col.38, lines 55-60, col.44, lines 30-67);  
and


➤ receiving new transaction data, the new transaction data representing new credit transactions and comprising records containing at least account numbers of accounts which initiated the new credit transactions (claims 1-3, figs. 1-8, col.1, lines 53-62, col.2, lines 20-37, col.7 lines, 23-59, col.14, lines 47-65, col.20, lines 10-16, col.23, lines 1-17, col.35, lines 29-67, col.38, lines 55-60, col.44, lines 30-67).


*Response to Arguments*

3. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's request for a reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the **finality** of that action is **withdrawn**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C Pwu whose telephone number is 308-7835. The examiner can normally be reached on 8-7.

  
Jeffrey Pwu

  
JEFFREY PWU  
PRIMARY EXAMINER

1/9/04

April 26, 2001